

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH LOCHUCH EWALAN,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

CASE NO. C20-5678JLR

ORDER

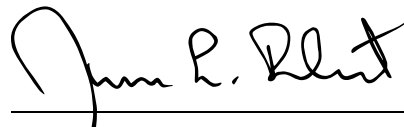
Before the court are Plaintiff Joseph Lochuch Ewalan's motions (1) to order the Department of Corrections ("DOC") to transport Mr. Ewalan (Transport Mot. (Dkt. # 126)); (2) for leave to file additional evidence (Evid. Mot. (Dkt. # 127)); and (3) for a preliminary or permanent injunction against prison secretary Cheryl Strange (Inj. Mot. (Dkt. # 128)). Mr. Ewalan, who has proceeded *pro se* and *in forma pauperis* throughout this litigation, filed each of these motions on his own behalf. (*See* Dkt.) The court appointed pro bono counsel, Brennen Johnson, to represent Mr. Ewalan on February 16,

2023, per this District's Pro Bono Plan. (*See* 2/16/23 Order (Dkt. # 125) (citing General Order No. 16-20, Section 4(b) (Dec. 8, 2020)).) In that order, the court directed Mr. Johnson to either file a motion for relief from appointment immediately if he was unable to accept the appointment or enter a Notice of Appearance by March 1, 2023. (*Id.* at 2.)

In light of the court's order appointing Mr. Johnson to represent Mr. Ewalan, the court DENIES without prejudice Mr. Ewalan's motions (1) to order DOC to transport Mr. Ewalan (Dkt. # 126), (2) for leave to file additional evidence (Dkt. # 127), and (3) for a preliminary or permanent injunction against prison secretary Cheryl Strange (Dkt. # 128). Mr. Johnson may refile these motions on Mr. Ewalan's behalf, if at all. Alternatively, if Mr. Johnson is relieved from appointment, Mr. Ewalan may refile the motions, if at all, on his own behalf after such relief is granted.

The court cautions Mr. Ewalan that once he is represented by counsel, he may not appear, file motions, or otherwise act on his own behalf without leave of the court. *See, e.g., U.S. v. Bergman*, 813 F.2d 1027, 1030 (9th Cir. 1987) (finding "no error" in district court's refusal to acknowledge *pro se* filings by a represented party); *see also* Local Rules W.D. Wash. LCR 83.2(b)(5) (forbidding a party represented by an attorney from acting on its own behalf).

Dated this 22nd day of February, 2023.



JAMES L. ROBART
United States District Judge